

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

KENNEDY FUNDING, INC.,

Plaintiff

V.

Civil Action No. 07-669(FSH)

**RUGGERS ACQUISITION AND
DEVELOPMENT, LLC. ET AL.**

Defendants

JM REALTY & INVESTMENTS,

Plaintiff

V.

Civil Action No. 07-218(FSH)

KENNEDY FUNDING, INC.,

Defendants

:ORDER ON INFORMAL APPLICATION

This matter having come before the Court by way of letter dated April 23, 2008,
regarding the request that the Court rule on objections to a subpoena issued by the United States
District Court for the Northern District of California;

and the parties having failed to present any legal authority that would allow this Court to entertain the objections to a subpoena that another Court issued;

and although the party objecting to the subpoena is a party to this case and hence this

Court has jurisdiction over him, the requested relief involves quashing or modifying a subpoena that another court issued;

and, absent clear legal authority that would allow this Court to act on the request directed to a subpoena that another Court issued, this Court declines to do so;

and the Court nonetheless advising the parties that if the United States District Court for the Northern District of California has the legal authority to remit the application to quash or modify the subpoena to this Court, then the Undersigned will address the dispute but absent an order embodying such legal authority, this Court will take no action;

IT IS THEREFORE ON THIS 24th day of April, 2008

ORDERED that the application that this Court resolve the objections to the subpoena of the United States District Court for the Northern District of California served upon Yahoo! in California is denied; and

IT IS FURTHER ORDERED that if United States District Court for the Northern District of California determines that there is a legal authority to remit the resolution of the objections to the Undersigned and if no party and Yahoo! have no objections to this Court addressing the objections, then the parties may re-submit to the Undersigned their positions concerning the objections to the subpoena; and

IT IS FURTHER ORDERED that the issue concerning the YAHOO! subpoena shall not be a basis to extend the discovery deadlines. If the subpoena is not quashed and documents are produced as a result of the subpoena before trial, then the parties can seek leave to reopen Mr. Sullivan's deposition.

s/Patty Schwartz
UNITED STATES MAGISTRATE JUDGE